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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,741	02/14/2002	Peter Ebert		3483

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Donald J. Ersler
ATTORNEY AT LAW
725 Garvens Ave.
Brookfield, WI 53005

EXAMINER

BEAULIEU, YONEL

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n

10/077,741

Applicant(s)

EBERT, PETER

Examiner

Yonel Beaulieu

Art Unit

3661

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-56 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 32-39, 41-46 and 48-55 is/are rejected.
7) ☒ Claim(s) 40, 47 and 56 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Interview Summary

During a telephonic conversation with Mr. Donald J. Ersler (Reg. No. 38,753) on Wednesday, 3 March 2004, the Examiner proposed the incorporation of what appears novel (claimed subject matter in claims 40, 47, and 56) into independent claims 32, 41, and 48, respectively. Mr. Ersler needed time to contact his client. Mr. telephoned the Examiner on Friday, 5 March 2004 stating that the client disagreed and elected an office action. An office Action to that effect follows:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32, 33, and 37 – 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (US 5,627,549).

Regarding claims 32, 33, and 37 - 38, Park teaches presenting a commercial to motorists comprising deploying an electronic display (100) in view of at least one motorist and capable of presenting at least two commercial advertisements (col. 6: 41 – 54; col. 7: 1 – 10 at least); providing a computer device (60) having access to and controlling the advertisements (col. 8: 35 – 38 at least); a computer network (system 20) in wireless communication (via item 26) with the computer device (40; see fig. 1); a traffic control system (col. 1: 13 – 15 at least).

Art Unit: 3661

While Park is somewhat silent on this idea of receiving an image of the vehicle with at least one motorist therein by way of a digital camera, Park teaches locating the vehicle (using GPS; see figs. 1 and 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention receiving an image of the vehicle would only involve routine skill in the art because Park teaches a method that performs equally well.

Claims 34 - 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park ('549) as applied to claim 32 above, and further in view of West (US 5,150,116).

As discussed above, Park teaches all of the limitations except for the use of a traffic light.

However, West teaches, in the same field of endeavor of presenting advertisements, presenting and controlling traffic information using a traffic light (abstract; see figs. 1, 4, and 8; col. 3: 53 – 56, 61 – 68 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Park's teaching by including presenting and controlling traffic information using a traffic light as evidenced by West in order to coordinate traffic flow.

Claims 41 – 46 and 48 – 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park ('549) in view of West ('116).

Regarding claims 41 – 46 and 48 - 56, Park teaches presenting a commercial to motorists comprising deploying an electronic display (100) in view of at least one motorist and capable of presenting at least two commercial advertisements (col. 6: 41 – 54; col. 7: 1 – 10 at least); providing a computer device (60) having access to and controlling the advertisements (col. 8: 35 – 38 at least); a computer network (system 20) in wireless communication (via item 26) with the computer device (40; see fig. 1); a traffic control system (col. 1: 13 – 15 at least).

While Park is somewhat silent on this idea of receiving an image of the vehicle with at least one motorist therein by way of a digital camera, Park teaches locating the vehicle (using GPS; see figs. 1 and 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention receiving an image of the vehicle would only involve routine skill in the art because Park teaches a method that performs equally well.

Park fails to further teach the use of a traffic light.

Art Unit: 3661

However, West teaches, in the same field of endeavor of presenting advertisements, presenting and controlling traffic information using a traffic light (abstract; see figs. 1, 4, and 8; col. 3: 53 – 56, 61 – 68 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Park's teaching by including presenting and controlling traffic information using a traffic light as evidenced by West in order to coordinate traffic flow.

Allowable Subject Matter

Claims 40, 47, and 56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fail to teach presenting a commercial to motorists comprising dividing at least one commercial advertisement of at least two commercial advertisements into at least two sections, displaying a first section of the at least one commercial advertisement at a first traffic light and displaying a second section of the least one commercial advertisement at a subsequent traffic light.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3661

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on M-R, from 0900-1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. CUCHLINSKI can be reached on (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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AU 3661

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YONEL BEAULIEU
PRIMARY EXAMINER